

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

CHRISTOPHER GEORGE HAMILTON,

Plaintiff,

v.

**CIVIL ACTION NO. 3:22-CV-22
(KLEEH)**

**JEFFERSON COUNTY SHERIFF
DEPARTMENT, G.W. KILMER,
RAMEY'S TOWING, and CORPORAL
FLETCHER,**

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION [ECF NO. 8],
DENYING MOTION TO PROCEED IN FORMA PAUPERIS AS MOOT [ECF NO. 2],
AND DISMISSING COMPLAINT WITH PREJUDICE**

On February 22, 2022, the pro se Plaintiff, Christopher Hamilton ("Plaintiff"), filed a Complaint against the Defendants alleging deprivation of civil rights pursuant to 42 U.S.C. § 1983 [ECF No. 1]. Pursuant to 28 U.S.C. § 636 and the local rules, the Court referred the action to United States Magistrate Judge Robert Trumble for initial review [ECF No. 7].

On June 28, 2022, the Magistrate Judge entered a Report and Recommendation ("R&R"), recommending that the Court dismiss Plaintiff's complaint with prejudice because his claims are barred by the statute of limitations, and because he improperly named certain defendants [ECF No. 8]. The Magistrate Judge also recommended that the Court deny as moot Plaintiff's motion to

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proceed in forma pauperis. Id.

The R&R informed Plaintiff that he had fourteen (14) days from the date of service of the R&R to file "specific written objections, identifying the portions of the Report and Recommendation to which objection is made, and the basis of such objection." It further warned him that the "[f]ailure to file written objections . . . shall constitute a waiver of de novo review by the District Court and a waiver of appellate review by the Circuit Court of Appeals." Plaintiff accepted service of the R&R on July 9, 2022 [ECF No. 10]. To date, no objections have been filed.

When reviewing a magistrate judge's R&R, the Court must review de novo only the portions to which an objection has been timely made. 28 U.S.C. § 636(b)(1)(C). Otherwise, "the Court may adopt, without explanation, any of the magistrate judge's recommendations" to which there are no objections. Dellarcirprete v. Gutierrez, 479 F. Supp. 2d 600, 603-04 (N.D.W. Va. 2007) (citing Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983)). Courts will uphold portions of a recommendation to which no objection has been made unless they are clearly erroneous. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Because no party has objected, the Court is under no

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obligation to conduct a de novo review. Accordingly, the Court reviewed the R&R for clear error. Finding none, the Court **ADOPTS** the R&R [ECF No. 8], **DISMISSES WITH PREJUDICE** Plaintiff's complaint [ECF No. 1], and **DENIES AS MOOT** Plaintiff's motion to proceed in forma pauperis [ECF No. 2].

It is so **ORDERED**.

The Clerk shall strike this case from the Court's active docket and transmit copies of this Order to counsel of record via email and the pro se Plaintiff via certified mail, return receipt requested, at the last known address on the docket.

DATED: March 20, 2023

Tom S Kline

THOMAS S. KLEEH, CHIEF JUDGE
NORTHERN DISTRICT OF WEST VIRGINIA